IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25100 of 2004

Between:

Arundhathi Women's Welfare Cooperative Society,

rep., by its President and Dealer,
Smt.Shukun Bee, w/o Mabusab, aged 35 years,

FP Shop Dealer of Kondapet Shop II,
Chennur Mandal, Kadapa District.

..... PETITIONER

AND

1 The Joint Collector, Kadapa, Kadapa District.
2 The Revenue Divisional Officer, Kadapa, Kadapa District.
3 The Mandal Revenue Officer, Chennur Mandal,

Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in cancelling the Fair-Price Shop Dealership of the petitioner vide proceedings Ref.No.C/375/2004, dt.13-12-2004 as illegal, arbitrary and unjust and consequently direct the respondents to permit the petitioner to continue as Fair Price Shop Dealer of Kondapeta-II, Chennur Mandal, Kadapa District pending disposal of the appeal before the 1st respondent in the interest of justice.

Counsel for the Petitioner: MR.N.PARAMESWARA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner was functioning as a Fair Price Shop Dealer. Through order, dated 13.12.2004, the 2nd respondent cancelled the authorization of the petitioner on the ground that the petitioner was selling the essential commodities a nt a higher rate, not supplying the commodities in proper quantities and that the shop was not being run according to the timings. The petitioner preferred an appeal before the 1st respondent together with an application for stay. Its grievance is that the 1st respondent has not passed any order on the stay application.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of appeal against the order of cancellation. The 1st respondent has to examine the correctness or otherwise of the allegations against the petitioner, on the basis of which the authorization was cancelled. Unless the order of cancellation is passed by an authority not vested with the power and where it is passed without issuing any show cause notice, suspending the same during the pendency of the appeal is almost impermissible. The 1st respondent can be required to dispose of the appeal without any further delay.

Hence, the writ petition is disposed of, directing that the 1st respondent shall pass appropriate orders in the appeal preferred by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. It is further directed that the 2nd respondent shall not appoint any person or agency as Dealer on permanent basis for the shop in question, till the disposal of the appeal. There shall be no order as to costs.

31.12.2004

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To

1 The Joint Collector, Kadapa, Kadapa District.
2 The Revenue Divisional Officer, Kadapa, Kadapa District.
3 The Mandal Revenue Officer, Chennur Mandal,

Kadapa District.

4 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

5 2CD copies